

# Public Notice

U.S. Army Corps of Engineers, Norfolk District

April 13, 2005

CENAO-TS-G  
05-V0680-50

## FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

### APPLICANT

Bertha A, Francis A. & Carol J. Burke  
c/o Bayshore Design  
Post Office Box 339  
Kinsale, Virginia 22488

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Chesapeake Bay, at a private lane off of VSH 695, Lancaster County, Virginia.

PROPOSED WORK AND PURPOSE: The applicant proposes to construct (5)150' long rip rap breakwaters with a 170' spacing between each proposed breakwater along a 1,500' section of sand beach shoreline. The proposed breakwaters are to be approximately 120' channelward of the mean high water shoreline. Also proposed is the placement of approximately 10,000 cubic yards of large grain sand for beach replenishment. All finished elevations above the plane of mean high water will be planted on 18" centers with American beachgrass and Panicum. The beach replenishment will affect approximately 3 acres of inter-tidal/sub-tidal area and the rip rap breakwaters will affect approximately 18,000 square feet of sub-tidal area. The purpose of the proposed construction is for shoreline stabilization.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit/401 certification from the Virginia Department of Environmental Quality assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the Lancaster County Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production,

mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) the site is known habitat for the Northeastern beach tiger beetle (*Cincindela dorsalis dorsalis*) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings. For compliance with the Coastal Zone Management Act of 1972, as amended, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal zone (Tidewater) will be conducted in a manner consistent with the Virginia Coastal Resources Management Program (VCP). For more information or to obtain a list of the enforceable programs of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [elirons@deq.virginia.gov](mailto:elirons@deq.virginia.gov).

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The Chesapeake Bay contains Essential Fish Habitat (EFH) for the life stages of 12 species including the Red Hake, Windowpane Flounder, Bluefish, Atlantic Butterfish, Summer Flounder, Black Sea Bass, King & Spanish Mackerel, Cobia, Red Drum, and the Dusky and Sandbar sharks. The habitat that this project would affect consists of inter-tidal/sub-tidal areas for the placement of the rip rap breakwaters and the sand fill. The proposed project is described in Proposed Work and Purpose, above. Our assessment of the project leads us to a preliminary determination that it will not have a substantial adverse effect on EFH and therefore expanded EFH consultation is not required. Based on comments from the National Marine Fisheries Service in response to this public notice, further EFH consultation may be necessary.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers (ATTN: CENAO-TS-G), 803 Front Street, Norfolk, Virginia 23510-1096, and should be received by the close of business on May 13, 2005.

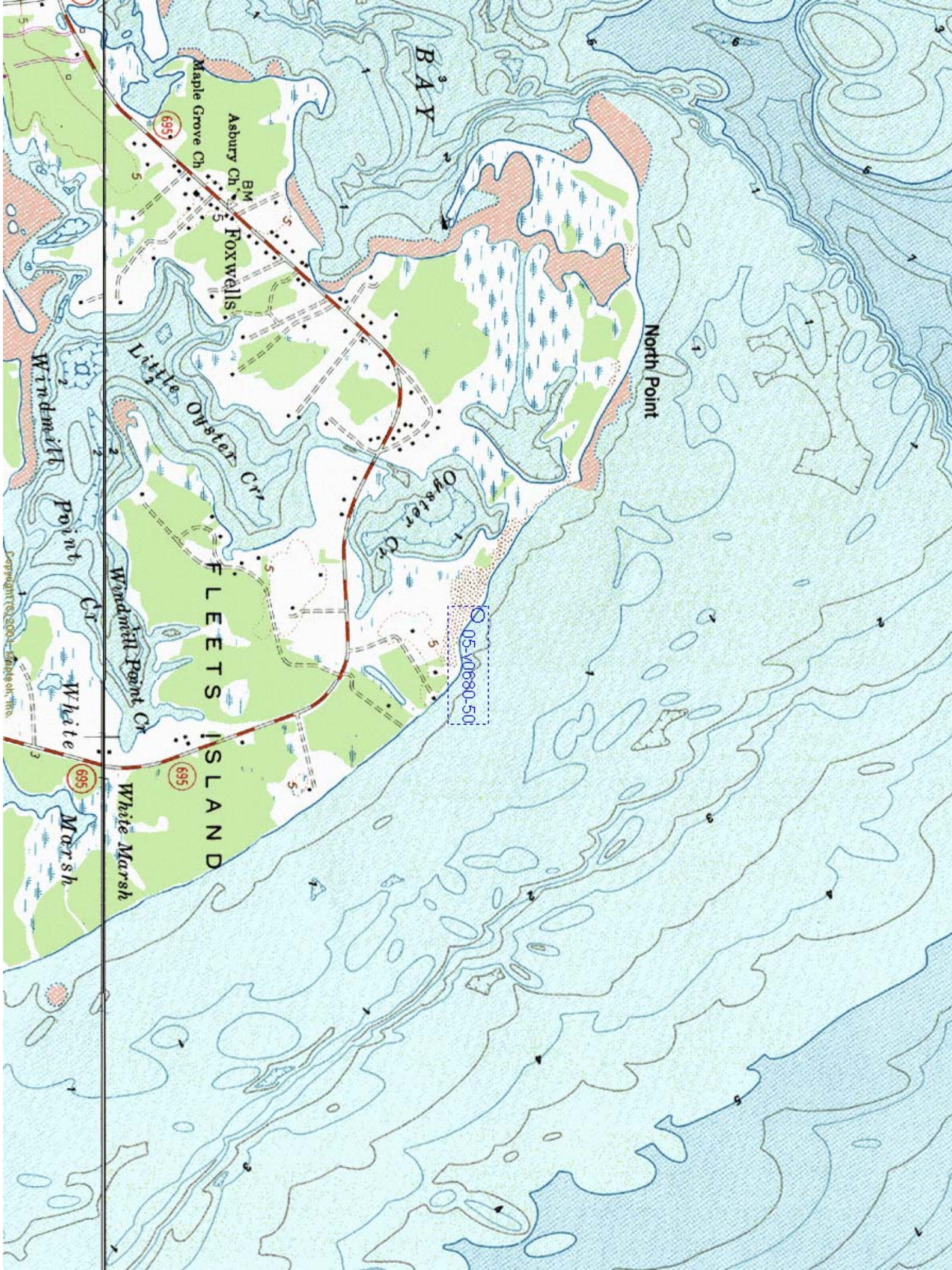
If you have any questions about this project or the permit process, please call: Mr. Adrian R. Jennings at (804) 435-9362.

FOR THE DISTRICT ENGINEER:

Bruce F. Williams  
Chief, Northern Virginia  
Regulatory Section

Attachment: Drawings









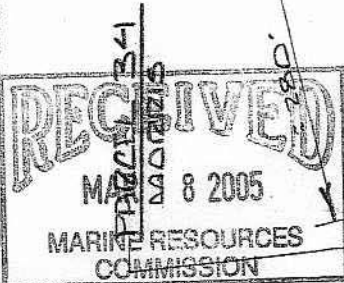
# CHESAPEAKE BAY

APPROX. 1.8 MILES TO WINDMILL POINT

PARCEL 42F SMITH

EXISTING RIPRAP REVENEMENT & SILL

SITE PLAN  
SCALE: 1" = 200'

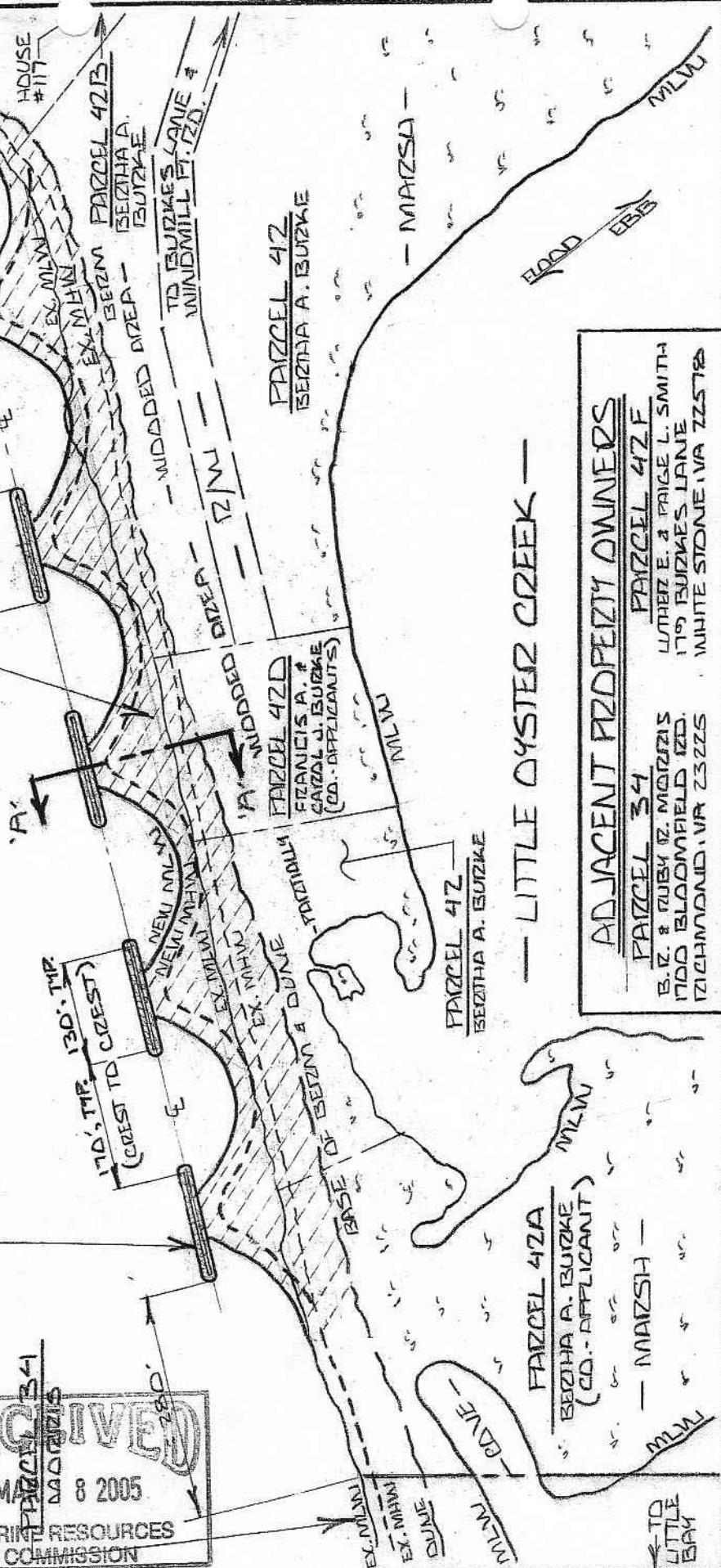


## PROPOSED 150' ARMOR STONE BREAKWATER, 5 PLACES

- CENTERLINE (CL) OF BREAKWATERS ARE APPROX. 250' TO 110' CHANNELWARD OF MEAN LOW WATER (MLW).

## PROPOSED BEACH NOURISHMENT

- APPROX. 10,000 CU. YDS. OF HIGH QUALITY SAND WITH WETLANDS VEGETATION PLANTINGS.



## LITTLE OYSTER CREEK

### ADJACENT PROPERTY OWNERS

PARCEL 34

B. Z. & RUBY W. MAGAZIS  
1700 BLOOMFIELD RD.  
RICHMOND, VA 23225

PARCEL 42F

LUTHER E. & PAIGE L. SMITH  
1700 BLOOMFIELD RD.  
WHITE STONE, VA 22578

PROPOSED ARMOR STONE BREAKWATERS WITH BEACH NOURISHMENT

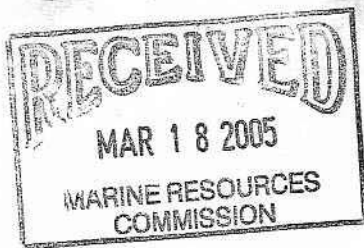
BETHA A., FRANCIS A. & CAROL J. BURKE  
P.O. BOX 1801 KILMARNOCK, VA 22482

LOCATION: FLEETS ISLAND - PARCEL 42, 42A, 42B, 42C, 42D  
WHITE STONE DIST. T.M. 36, LANCASTER CO., VA

PURPOSE: PROTECT SHORELINE  
SHT. 1 OF 3 DATE: 3-2-05 BAYSHORE DESIGN

# SECTION 'A'-A'

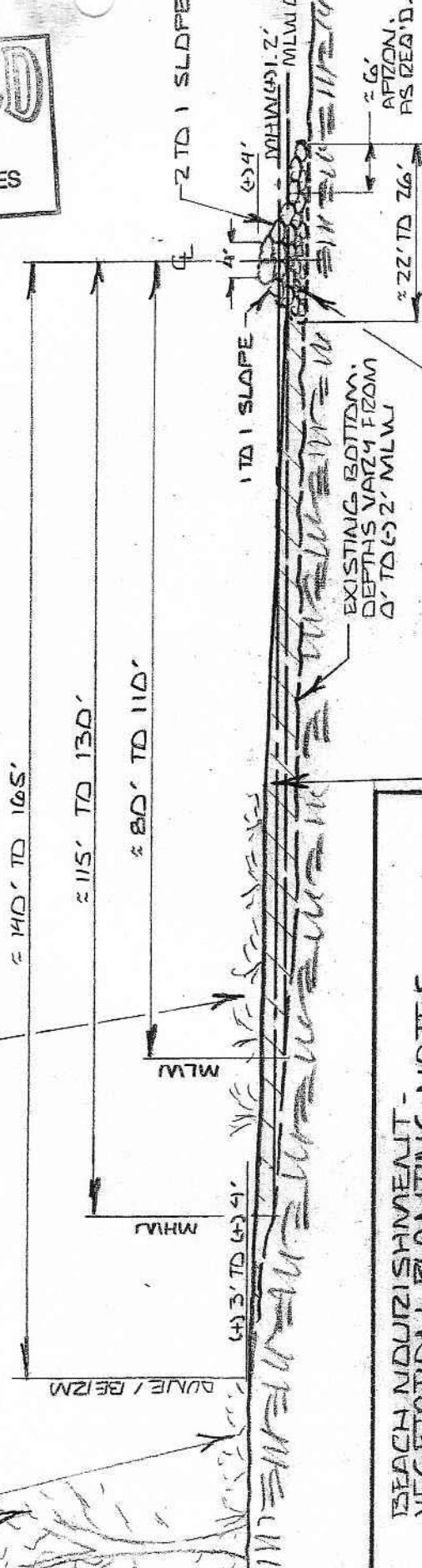
SCALE: 1" = 20'



PARTIALLY WOODED, LOW-  
SANDY ISTHMUS

EXISTING DUNE  
TO REMAIN

PROPOSED VEGETATION PLANTING  
- AMERICAN BEACH GRASS AND  
ATLANTIC COASTAL PANICGRASS.  
SEE VEGETATION PLANTING NOTES.



## BEACH NOURISHMENT - VEGETATION PLANTING NOTES

1. AMERICAN BEACH GRASS AND ATLANTIC COASTAL PANICGRASS TO BE PLANTED 2-18" APART, FROM EXTREME HIGH TIDE ELEVATION TO THE EXISTING DUNE / BEACH (LANDWARD LIMITS OF BEACH NOURISHMENT).
2. GRASSES SHOULD BE PLANTED FROM LATE OCTOBER THROUGH APRIL OR PER INSTRUCTION FROM VEGETATION CONTRACTOR OR SUPPLIER.
3. FERTILIZING IS RECOMMENDED AT THE TIME OF PLANTING. USE 2-1 Ounce PER PLANT OF SLOW RELEASE OSMOCOTE FERTILIZER (TO BE PLACED IN THE HOLE WITH PLANT). PER INSTRUCTION FROM CONTRACTOR OR SUPPLIER.
4. ANY DEBRIS AND TRASH THAT MAY ACCUMULATE IN PLANTING AREAS SHOULD BE PERIODICALLY REMOVED AND DISPOSED OF PROPERLY.
5. ADDITIONAL VEGETATION TO BE PLANTED, AS REQUIRED, TO REPLACE ANY PLANTS THAT DO NOT SURVIVE AND PROLIFERATE.

PROPOSED BEACH  
NOURISHMENT  
- APPROX. 10,000  
CU. YDS. HIGH QUALITY  
SAND FROM UPLAND  
SOURCE.

PROPOSED ARMORZ  
STONE BREAKWATER  
- APPROX. 4 TO 5 TONS PER  
FOOT - TOTAL  
- MINIMUM 2 LAYERS  
CLASS III (500 # TO 1,500 #)  
ARMORZ STONE OVER COARSE  
STONE BASE OVER FILTER  
CLOTH.

PROPOSED BREAKWATERS & BEACH NOURISHMENT  
BUIRKE — FLEETS ISLAND  
CHESAPEAKE BAY — LANCASTER CO.  
SHT. 3 OF 3 DATE: 3-2-05 BAYSHORE DESIGN